



Attorney Docket No. 026196-0201

\$165.
H

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donato, et al.

Title: METHOD OF ISOLATING
EXTRACT FROM THE
EUPHORBACIAE OBESA
PLANT AND METHODS FOR
USING THE SAME

Appl. No.: 10/020,816

Filing Date: 12/12/2001

Examiner: Christopher Robin Tate

Art Unit: 1651

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p><u>Matt Martin</u> (Printed Name)</p> <p><u>[Signature]</u> (Signature)</p> <p><u>Oct 7, 2004</u> (Date of Deposit)</p>

AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

[X] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

[] Assertion of Small Entity status is enclosed.

10/14/2004 HALI11 00000003 10020816

01 FC:2201
02 FC:2252

44.00 OP
215.00 OP

[X] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	57	-	58	=	0	x	\$18.00	=	\$0.00
Independent Claims:	2	-	1	=	1	x	\$88.00	=	\$88.00
First presentation of any Multiple Dependent Claims:						+	\$300.00	=	\$0.00
CLAIMS FEE TOTAL									= \$88.00

[X] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[] Extension for response filed within the first month:	\$110.00	\$0.00
[X] Extension for response filed within the second month:	\$430.00	\$430.00
[] Extension for response filed within the third month:	\$980.00	\$0.00
[] Extension for response filed within the fourth month:	\$1,530.00	\$0.00
[] Extension for response filed within the fifth month:	\$2,080.00	\$0.00
EXTENSION FEE TOTAL:		\$430.00
[] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$110.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$518.00
[X] Small Entity Fees Apply (subtract ½ of above):		\$259.00
TOTAL FEE:		\$259.00

[] Please charge Deposit Account No. 06-1450 in the amount of \$259.00. A duplicate copy of this transmittal is enclosed.

[X] A check in the amount of \$259.00 is enclosed.

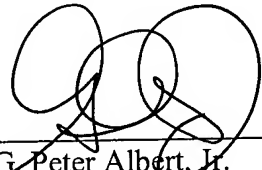
[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any

overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date OCTOBER 7, 2004
FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (312) 832-4553
Facsimile: (312) 832-4700

By 
G. Peter Albert, Jr.
Attorney for Applicant
Registration No. 37,268
Matthew Martin
Registration No. 53274



Atty. Dkt. No. 026196-0201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donato, et al.

Title: METHOD OF ISOLATING
EXTRACT FROM THE
EUPHORBACIAE OBESA
PLANT AND METHODS FOR
USING THE SAME

Appl. No.: 10/020,816

Filing Date: 12/12/2001

Examiner: Christopher Robin Tate

Art Unit: 1651

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p><u>Mark M. Donato</u> (Printed Name)</p> <p><u>[Signature]</u> (Signature)</p> <p><u>Oct 7, 2004</u> (Date of Deposit)</p>
--

AMENDMENT AND REPLY UNDER 37 CFR 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Non-Final Office Action dated May 26, 2004, concerning the above-referenced patent application. Applicant has enclosed with this amendment a Petition for Extension of Time to make this response timely.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this document.

Remarks/Arguments begin on page 9 of this document.

Please amend the application as follows: